

REMARKS/ARGUMENTS

Claims 1-24 are pending in the present application. Claims 7-24 are canceled. Claim 1 is amended. Support for the amendments to claim 1 may at least be found in the language of canceled claims 7 and 8 and in the Specification on page 28, lines 1-6, page 30, line 1, page 31, lines 3-4, Figure 10, step 1004, and Figure 11, step 1104. As a result, no new matter is added by the amendments to the claims. Reconsideration of the claims is respectfully requested.

In this Amendment, Applicants amended claim 1 and canceled claims 7-24 from further consideration in this application. Applicants are not conceding that the subject matter encompassed by claims 1 and 7-24, prior to this Amendment, is not patentable over the art cited by the Examiner. Claim 1 is amended and claims 7-24 are canceled in this Amendment solely to facilitate expeditious prosecution of the allowable subject matter noted by the Examiner. Applicants respectfully reserve the right to pursue claims, including the subject matter encompassed by claims 1 and 7-24, as presented prior to this Amendment and additional claims in one or more continuing applications.

I. Telephonic Interview with Examiner Osman on March 19, 2008

Applicants thank Examiner Ramy M. Osman for the courtesy extended to Applicants' representative during the March 19, 2008 telephonic interview. During the teleconference, the Examiner and Applicant's representative discussed amending the independent claims to further distinguish the present invention from the cited prior art reference. Examiner Osman appeared to indicate that the amended independent claim language contained in this Response to Final Office Action would overcome the cited prior art reference. Therefore, it is Applicants' representative's understanding that barring additional materially relevant prior art being found in an updated search, the present claims are now in condition for allowance. The substance of the interview, as well as additional reasons that the claims are not anticipated, is summarized in the remarks of Section V, which follows below.

II. 35 U.S.C. § 101, Claims 9-24

The Examiner reject claims 9-24 under 35 U.S.C. § 101 as being "directed to non-statutory subject matter." Final Office Action dated February 22, 2008 pages 2-3, items 4-5. This rejection is respectfully traversed. Claims 9-24 are canceled by this Response to Final Office Action. As a result, the rejection of canceled claims 9-24 under 35 U.S.C. § 101 is now moot.

III. 35 U.S.C. § 112, Second Paragraph, Claims 1, 9, and 17

The Examiner rejects claims 1, 9, and 17 under 35 U.S.C. § 112, second paragraph, “as being indefinite for failing to particularly point out and distinctly claim the subject matter, which Applicants regard as the invention.” Final Office Action dated February 22, 2008 page 3, item 7. This rejection is respectfully traversed. Claims 9 and 17 are canceled by this Response to Final Office Action. As a result, the rejection of canceled claims 9 and 17 under 35 U.S.C. § 112, second paragraph is now moot.

In rejecting claim 1, the Examiner states, “Claim 1, for example, on line 7 recites ‘checking a multicast table ... to determine if a matching entry exists’. However, this limitation is incomplete because it is unclear what exactly are the elements being compared that would allow a determination of a match to be made.” Final Office Action dated February 22, 2008 page 3, item 7. In response, claim 1 is amended to recite “checking a multicast table ... to determine if a matching entry exists in the multicast table for information in the packet...” in accordance with the Examiner’s recommendation during the interview conducted on March 19, 2008. [Emphasis added]. Therefore the rejection of claim 1 under 35 U.S.C. § 112, second paragraph has been overcome.

IV. Allowable Subject Matter, Claims 8, 16, and 24

The Examiner objects to claims 8, 16, and 24 “as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.” Final Office Action dated February 22, 2008 page 6, item 19. Claims 8, 16, and 24 are canceled by this Response to Final Office Action. As a result, the objection to canceled claims 8, 16, and 24 is now moot. However, the features of canceled claim 8 are incorporated into amended independent claim 1. Therefore, amended claim 1 now recites allowable subject matter

V. 35 U.S.C. § 102, Anticipation, Claims 1-7, 9-15, and 17-23

The Examiner rejects claims 1-7, 9-15, and 17-23 under 35 U.S.C. § 102 as being anticipated by *Infiniband Architecture Specification Volume 1*, Infiniband Trade Association November 6, 2002 (“Infiniband”). This rejection is respectfully traversed.

Claims 7, 9-15, and 17-23 are canceled by this Response to Final Office Action. As a result, the rejection of canceled claims 7, 9-15, and 17-23 under 35 U.S.C. § 102 is now moot. However, it should be noted that the allowable subject matter of canceled claim 8, along with the features of intervening canceled claim 7, are incorporated into amended independent claim 1.

A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). All limitations of the claimed

invention must be considered when determining patentability. *In re Lowry*, 32 F.3d 1579, 1582, 32 U.S.P.Q.2d 1031, 1034 (Fed. Cir. 1994). Anticipation focuses on whether a claim reads on the product or process a prior art reference discloses, not on what the reference broadly teaches. *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 218 U.S.P.Q. 781 (Fed. Cir. 1983). In this case, each and every feature of the presently claimed invention is not identically shown in the cited reference as arranged in the claims.

Amended independent claim 1 of the present invention reads as follows:

1. A method in a logically partitioned data processing system, the method comprising:
 - receiving a packet in a host channel adapter for a system area network, wherein the packet is received by the host channel adapter from an application on a host associated with the host channel adapter and the packet is received by the host channel adapter for the purpose of transmitting the packet over the system area network, and wherein in response to the host channel adapter's receiving the packet and in response to an associated Force Out bit in a work queue element being set to a first value, the host channel adapter attempts to transmit the packet to local logical host channel adapters, and in response to the channel adapter's receiving the packet and in response to the associated Force Out bit in the work queue element being set to a second value that is distinct from the first value, the host channel adapter transmits the packet over a system area network fabric, and wherein the host channel adapter is shared among a plurality of logical partitions within the logically partitioned data processing system, and wherein each logical partition within the plurality of logical partitions includes a logical host channel adapter having a logical port;
 - checking a multicast table in the host channel adapter to determine if a matching entry exists in the multicast table for information in the packet, wherein the multicast table contains information on multicast groups to which logical ports of logical host channel adapters belong; and
 - forwarding the packet to trusted software in response to a determination that the packet is intended for multicasting and that no matching entry exists in the multicast table for the information in the packet, wherein the trusted software forwards the packet to one or more appropriate recipient logical partitions within the plurality of logical partitions.

As noted above, amended claim 1 now recites allowable subject matter. As a result, Infiniband does not identically teach each and every element recited in amended claim 1 of the present invention. Accordingly, the rejection of independent claim 1 as being anticipated by Infiniband has been overcome. In view of the remarks above, amended independent claim 1 is in condition for allowance. Claims 2-6 are dependent claims depending on independent claim 1. Consequently, claims 2-6 also are allowable, at least by virtue of their dependence on an allowable claim.

Therefore, the rejection of claims 1-6 under 35 U.S.C. § 102 has been overcome.

VI. Conclusion

It is respectfully urged that the subject application is patentable over the cited prior art reference and is now in condition for allowance.

The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: April 9, 2008

Respectfully submitted,

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